

Article 5. Prohibition on Storage**§66268.50. Prohibitions on Storage of Restricted Wastes.**

(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under article 3 of this chapter or RCRA section 3004 (42 U.S.C. section 6924) is prohibited, unless the following conditions are met.

(1) A generator stores such wastes in tanks, containers, or containment buildings on site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in section 66262.34 and Chapters 14 and 15 of this division. (A generator who is in existence on July 1, 1991 and who must store hazardous wastes for longer than the applicable accumulation period specified in subsection (a) or (d) of section 66262.34 of this chapter, due to the regulations under this chapter becomes an owner/operator of a storage facility and shall obtain a Hazardous Waste Facility Permit. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under section 66270.70 of chapter 20).

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(A) each container is clearly marked to identify its contents and the date each period of accumulation begins;

(B) each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator shall comply with the operating record requirements specified in section 66264.73 or section 66265.73.

(3) A transporter stores manifested shipments of such wastes at a transfer facility for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority.

(b) An owner/operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Department can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(c) An owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under section 66268.5, or a nationwide capacity variance under article 3), the prohibition in paragraph (a) of this section does not apply during the period of such exemption.

(e) The prohibition in subsection (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under section 66268.40 or the treatment standards specified under the variance in section 66268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in section 66268.32 or RCRA section 3004 (42 U.S.C. section 6924) or where the waste is a non-RCRA hazardous waste.

(f) Liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm shall be stored at a facility that meets the requirements of 40 CFR section 761.65(b) and shall be removed from storage and treated or disposed as required by this part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) of this section do not apply to such PCB wastes prohibited under section 66268.32 of this chapter.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Section 268.50.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsections (a)(1)-(2) and Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (a)(1)-(2) and Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (a)(1)-(2) and Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a)(1)-(2) and Note refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-24-94 order including amendment of subsection (a)(1) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
7. Change without regulatory effect amending subsection (a)(1) filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).
8. Change without regulatory effect amending subsection (a)(3) filed 4-3-96 pursuant to section 100, title 1, California

Code of Regulations (Register 96, No. 14).

9. Change without regulatory effect amending subsection (e) filed 9-11-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 37).